



STATE OF WASHINGTON

PUBLIC DISCLOSURE COMMISSION

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June 16, 2006

ROBERT HARRIS  
140 NE RAINIER PL NORTH  
BELFAIR WA 98528

Subject: Complaint filed against Art Wightman – PDC Case No. 06-291

Dear Mr. Harris:

The Public Disclosure Commission (PDC) staff has completed its investigation of your complaint received December 5, 2005, alleging that Art Wightman failed to allow you to make an appointment to inspect his campaign books and records, and that his campaign exceeded the limits of the mini reporting option.

PDC staff reviewed your complaint in light of the following statute and rule:

**RCW 42.17.080(5)** states: The treasurer or candidate shall maintain books of account accurately reflecting all contributions and expenditures on a current basis within five business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day. As specified in the committee's statement of organization filed under RCW 42.17.040, the books of account must be open for public inspection by appointment at the designated place for inspections between 8:00 a.m. and 8:00 p.m. on any day from the eighth day immediately before the election through the day immediately before the election, other than Saturday, Sunday, or a legal holiday. It is a violation of this chapter for a candidate or political committee to refuse to allow and keep an appointment for an inspection to be conducted during these authorized times and days. The appointment must be allowed at an authorized time and day for such inspections that is within twenty-four hours of the time and day that is requested for the inspection.

**WAC 390-16-105(1)** states in part: A candidate or candidate's authorized committee, as those terms are defined in RCW 42.17.020, shall not be required to comply with the provisions of RCW 42.17.060 through 42.17.090 ... when neither aggregate contributions nor aggregate expenditures exceed the amount of the candidate's filing fee provided by law plus a sum not to exceed three thousand five hundred dollars and no contribution or contributions from any person other than the candidate within such aggregate exceed three hundred dollars.



### **Inspection of Campaign Records**

You alleged that Mr. Wightman failed to answer his telephone on several occasions or to have an answering machine available to record your request to inspect his campaign records. You also alleged that Mr. Wightman failed to respond to your written request to inspect his records. We found that:

- On August 29, 2005, Art Wightman filed a Candidate Registration Statement (PDC Form C-1) declaring his candidacy for School Director in North Mason School District. He selected the mini reporting option and, as such, committed to raising and spending no more than \$3,500 and to accepting no more than \$300 from any contributor, other than himself.
- Mr. Wightman is employed as Site Manager at Camp Lyle McLeod for the Girl Scout-Totem Council. He is provided telephone service by the Girl Scouts, and the telephone line serves as both his business and residential telephone number. He is required by his employer to maintain an answering machine on his telephone 24 hours a day to allow him to handle emergency situations. Mr. Wightman stated that his telephone number has been connected to an answering machine for more than 20 years as an employee of the Girl Scout-Totem Council.
- Mr. Wightman said his telephone answering machine was operational 24 hours a day during the period when you say you attempted to make an appointment to review his campaign records. He said if the telephone is not answered after five rings, the answering machine accepts an incoming message from the caller. He said he has no record of any calls or attempted calls from you.
- You sent a letter to Mr. Wightman by certified mail on November 7, 2005 requesting an appointment to review his campaign records. Mr. Wightman picked up his mail in the afternoon on November 8, 2005, the date of the general election, at his rural mailbox, and included with his mail was a notice to pick up a certified letter from you at the Tahuya Post Office. Mr. Wightman said he believed your letter was a request to review his campaign books and records, so he contacted PDC staff that afternoon and confirmed that the open records inspection period ended November 7, 2005. Mr. Wightman said he confirmed that he was not required to allow an inspection of his records on or after election day. Mr. Wightman picked up the letter on November 9, 2005. Because it was received after the inspection period, he did not contact you to make an appointment to review his campaign records.

Because there is conflicting information about whether Mr. Wightman's telephone answering machine was operational when you attempted to call him, and because he did not receive your written notice requesting to inspect his campaign records within the inspection period, there is insufficient evidence that Mr. Wightman refused to allow you to inspect his campaign records. No further action will be taken on your complaint.

### **Allegedly Exceeding the Limits of Mini Reporting**

You alleged that Mr. Wightman may have spent more than \$3,500 since his campaign sponsored several political advertisements that appeared in the Belfair Herald and Kitsap Sun, and because the campaign had yard signs and engaged in other campaign-related activities. We found that:

- Mr. Wightman stated that he did not exceed the mini reporting limits, claiming that he received no more than \$2,600 in contributions, and spent slightly less than that amount. Mr. Wightman provided a spreadsheet and receipt log listing the 29 contributors to his campaign who gave a total of \$2,530. No contributor gave over \$300. The contributions included a \$300 loan from Mr. Wightman, a separate \$300 contribution, a \$250 contribution and a \$200 contribution. He also received several contributions ranging from \$10 to \$75, and two in-kind contributions totaling \$102.40.
- Mr. Wightman also provided documentation of his expenditures that included copies of cancelled checks, a spreadsheet of expenditures, and campaign receipts and invoices. The documentation verified that Mr. Wightman's campaign purchased six political advertisements appearing in the Shelton-Mason County Journal and one ad that appeared in the Kitsap Sun. He also purchased 25 two foot by four foot yard signs and one four foot by eight foot campaign sign. The campaign records also documented expenditures for printing, postage, and a reimbursement to Ms. Wightman for a campaign celebration. Mr. Wightman's campaign expenditures totaled \$2,542.86. Thus, the mini reporting limits were not exceeded.

After a careful review of the alleged violation and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Art Wightman. Mr. Wightman is being notified of this dismissal by separate letter.

If you have questions, please contact Phil Stutzman, Director of Compliance, at (360) 664-8853 or toll-free at 1-877-601-2828 or by e-mail at [pstutzman@pdc.wa.gov](mailto:pstutzman@pdc.wa.gov).

Sincerely,

A handwritten signature in black ink that reads "Vicki Rippie". The signature is written in a cursive, flowing style with a large loop at the end of the last name.

Vicki Rippie  
Executive Director

c: James T. Clark